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THE DIRECTV GROUP INC PATENT DOCKET ADMINISTRATION RE/R11/A109 P O BOX 956 EL SEGUNDO, CA 90245-0956				EXAMINER PARRY, CHRISTOPHER L
			ART UNIT 2614	PAPER NUMBER

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/910,161	THOMPSON, BRIAN D.	
	Examiner Chris Parry	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 December 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17, 19-35 and 37-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17, 19-35 and 37-49 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 8, line 3, "queueing" should be --queuing--.

Appropriate correction is required.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-49 have been considered but are moot in view of the new ground(s) of rejection. In response to applicant's remarks, the examiner respectfully disagrees that Candelore does not teach, disclose, or suggest accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels. A user can tune a plurality of channels sequentially using the channel up or channel down buttons on remote control 5 shown in figure 3, which is a well-known technique in the art for tuning channels on a television. Further, applicant disagrees Candelore's system does not require a series of commands sequentially, where in fact Candelore's system does in fact accept a series of commands from a user. A user can use remote control 5, to tune channels sequentially by tuning channels 1-N using the ten-key number pad on remote control 5. If a user chooses to tune channels sequentially, this would constitute tuning channels sequentially using a series

of commands with the series constituted by the user pressing 1-2-3 on the number keypad on a remote control.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., channel surfing) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

With respect to applicant's argument that Candelore fails to disclose, the ordered schedule of channels is reordered, the examiner respectfully disagrees. The schedule of channels is reordered for the user when the user presses the favorite key on remote control 5 and the user is presented with a reordered channel list of the available channels to the user.

With respect to applicant's arguments that Candelore fails to disclose reordering the schedule of channels in sequential order, the examiner respectfully disagrees as the reordered schedule of channels is reordered to sequential order when the user presses the EXIT key on the remote control to close the list of favorites or "the reordered schedule of channels".

With respect to applicant's arguments that Candelore fails to disclose reordering the schedule of channels sequentially based on change in a threshold number of media program associated with the channels in the schedule of channels, the examiner respectfully disagrees. Although the claim requires the schedule be reordered sequentially, the claim does not require what sequential order the channels be

reordered, for example, are the channels listed in ascending order or descending order. Further, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., channels are reordered sequentially at the top of the hour when new media program selections are available) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding applicant's arguments that Bedard does not allow recently viewed channels to be ordered first, the examiner respectfully disagrees as Bedard teaches placing the new entry or "most recent channel" at the top of the viewer profile array 200, it should be evident that the most recently viewed entries will be located at the top of array 200 as shown in figure 2 (Col. 5, lines 55-58).

In response to applicant's arguments that there is no suggestion to combine the references (Amano in view of Wugofski), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wugofski discloses it can be useful to the user to combine channels from the television

with channels from the internet in a single environment since it can be difficult for users to manage many channels from many sources (Wugofski, page 2, lines 8-19).

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-11, 15, 19-23, 26-28, 37-42, and 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore et al. (hereinafter “Candelore”) (U.S. 2002/0104081).

Regarding Claim 1, Candelore teaches the method of “accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels” by tuning event 502 shown in figure 5. Candelore discloses as an example of a tuning event to be when a user enters a specific channel number (page 4, ¶ 44). Although Candelore is silent on using channel keys to select a channel, it is implicit to the reference that a user could tune a channel using the channel up/down keys on remote control 5 shown in figure 3. The claimed element “determining a duration of a time period during which each channel is tuned by the series of commands” is taught by

block 504 in figure 5. Candelore discloses the relative statistics maintained to ascertain favorite status can be based on amount of viewing of a channel over a certain time period, e.g., 10, 20, or 30 minutes (page 4, ¶ 45). Further, a user can tune each channel by using a series of commands by pressing the channel up/down key or by pressing 1-2-3 for example which each constitutes a series of commands from the user. Candelore meets the claimed element “prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned by the series of commands” by block 506 in figure 5. Candelore discloses the list of favorites is based on the maintained relative statistics and the channels can be ranked with the most viewed channel listed first and the least viewed channel listed last (page 4, ¶ 46). Further, a user can tune each channel by using a series of commands by pressing the channel up/down key or by pressing 1-2-3 for example which each constitute a series of commands from the user.

As for Claim 2, the claimed element of “determining a duration of a time period during which each channel is tuned comprises the step of determining a duration of a time period between each of the series of commands” by figure 5 of Candelore. As shown, CPU 29 will maintain relative statistics of how long a channel is being viewed. When a new tuning event is detected, CPU 29 will either add the channel to the list of favorites or just increase the count and begin maintaining relative statistics on the newly tuned channel (page 4, ¶ 44-46). Candelore meets the claimed element of “prioritizing the schedule of channels according to a duration of a time period during which each channel is tuned comprises the step of prioritizing the channels according to a duration

of a time period between each of the series of commands" by CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 3, the claimed method of "reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands" is taught by Candelore who discloses CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 4, the claim "the ordered schedule of channels is reordered after each command of the series of commands", is met by Candelore who discloses CPU 29 can create a list of favorites 408 in real time (page 4, ¶ 47).

As for Claim 5, the claim "the ordered schedule of channels is reordered after all of the channels of the schedule of channels has been tuned", is met by Candelore, who discloses CPU 29 can create a list of favorites 408 in real time (page 4, ¶ 47). Since the system can reorder in real time, it similarly reorders once the viewer has watched or selected all of the channels.

As for Claim 8, the claimed method of "reordering the reordered schedule of channels in sequential order" is met by Candelore, who discloses CPU 29 can rank a set number of items in sequential order based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46). The schedule can be reordered sequentially by the user pressing the EXIT key on

remote control 5 to exit out of the list of favorites and return to the sequentially ordered channel list.

As for Claim 9, the claim “reordering the ordered schedule of channels in sequential order is performed in response to a user command”, is met by Candelore, as disclosed is a favorite key on remote control 5. When the user depresses the favorite key, CPU 29 generates the favorites list for display to the user (page 4, ¶ 47). Then the user enters the command to exit the favorite’s list to return to the sequential channel order.

As for Claim 10, the claimed element “each of the channels in the schedule of channels is associated with a media program”, is met by CPU 29, which can maintain relative statistics on how long a channel or program has been viewed (page 4, ¶ 44). The claimed element “reordering the reordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with the channels in the schedule of channels” is met by Candelore who discloses the favorites list or “reordered schedule” can display either a list of top 15 (page 4, ¶ 38) or the favorites list can be based on the top 10 (page 5, ¶ 47). So therefore, when a user changes between displaying the top 15 to only view the top 10, this list is reordered when the threshold number of channels is changed.

As for Claim 11, the claimed element “determining which of the time periods exceeds a threshold time period” is met by Candelore who discloses on a new set-top box, the unit of time or threshold may be 5 minutes to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page

4, ¶ 42). The claimed element “segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period” is met by Cadelore who discloses the list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32). The channels that exceed the threshold time period are kept in the list of favorites 408, which comprises the first segment, and the second segment would implicitly be all the other channels whose statistics are maintained in table 406.

As for Claim 15, Cadelore meets the claimed method “wherein the ordered schedule of channels is a subset of all available channels” as, disclosed. List of favorites 408 can rank each item within a particular favorite list. For example, the list of favorites 408 can provide a list of top 15 channels, which have the highest count value in stat tables 406. Thus, a user can access EPG 4A to cycle through the list of favorites 408 (page 4, ¶ 38). So a user can access the favorites list using the favorites key on remote control 5 to see what is on rather than view the entire guide by using the guide key.

Regarding Claim 19, Cadelore teaches an apparatus with “means for accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels” by CPU 29 in figure 2 (page 2, ¶ 27). The claimed element “means for determining a duration of a time period during which each channel is tuned by the series of commands” is met by statistics table 406 stored in memory 404 shown in figure 4 (page 3, ¶ 31). Further, a user can tune each channel by using a series of

commands by pressing the channel up/down key or by pressing 1-2-3 for example which each constitute a series of commands from the user. The claimed element “means for prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned by the series of commands” is met by CPU 29, which can rank each channel (page 4, ¶ 46). Further, a user can tune each channel by using a series of commands by pressing the channel up/down key or by pressing 1-2-3 for example which each constitute a series of commands from the user.

As for Claim 20, the claimed element “means for determining a duration of a time period during which each channel is tuned comprises means for determining a duration of a time period between each of the series of commands” by figure 5 of Candelore. As shown, CPU 29 will maintain relative statistics of how long a channel is being viewed. When a new tuning event is detected, CPU 29 will either add the channel to the list of favorites or just increase the count and begin maintaining relative statistics on the newly tuned channel (page 4, ¶ 44-46) The claimed element “means for prioritizing the schedule of channels according to a duration of a time period during which each channel is tuned comprises means for prioritizing the channels according to a duration of a time period between each of the series of commands” by CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 21, the claim “means for reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands” is met by Candelore who discloses CPU 29 can rank a set number of items

based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 22, the claimed element “the ordered schedule of channels is reordered after each command of the series of commands” is rejected based on similar grounds as the rejection of claim 4.

As for Claim 23, the claimed element “the schedule of channels is reordered after all of the channels of the schedule of channels has been tuned” is rejected based on similar grounds as the rejection of claim 5.

As for Claim 26, the claimed element “means for reordering the reordered schedule of channels in sequential order” is met by Candelore, who discloses CPU 29 can rank a set number of items in sequential order based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46). The schedule can be reordered sequentially by the user pressing the EXIT key on remote control 5 to exit out of the list of favorites and return to the sequentially ordered channel list.

As for Claim 27, Candelore meets the claimed element “means for reordering the ordered schedule of channels in sequential order is performed in response to a user command” disclosed is a favorite key on remote control 5. When the user depresses the favorite key, CPU 29 generates the favorites list for display to the user (page 4, ¶ 47). Then the user enters the command to exit the favorite’s list to return to the sequential channel order.

As for Claim 28, the claimed element “each of the channels in the schedule of channels is associated with a media program” is met by CPU 29, which can maintain relative statistics on how long a channel or program has been viewed (page 4, ¶ 44). The claimed element “means for reordering the ordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels” is met by Candelore who discloses the favorites list or “ordered schedule” can display either a list of top 15 (page 4, ¶ 38) or the favorites list can be based on the top 10 (page 5, ¶ 47).

Regarding Claim 37, the claimed element “a user interface for accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels” is met by IRD 2 of figure 1. IRD 2 of figure 1 receives tuning signals from remote control 5. The claimed “processor, communicatively coupled to a memory, the processor implementing a timer for determining a duration of a time period during which each channel is tuned and prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned by the series of commands” is met by CPU 29 and memory 400 shown in figure 4 (page 3, ¶ 31-32). Further, a user can tune each channel by using a series of commands by pressing the channel up/down key or by pressing 1-2-3 for example which each constitute a series of commands from the user.

As for Claim 38, the claimed “the processor determines a duration of a time period during which each channel is tuned by determining a duration of a time period

between each of the series of commands" is met by CPU 29 (page 2, ¶ 27-28). The claimed element "the processor prioritizes the schedule of channels according to a duration of a time period during which each channel is tuned by prioritizing the channels according to a duration of a time period between each of the series of commands" is met by CPU 29 (page 4, ¶ 46).

As for Claimed 39, Candelore meets the claim "the processor prioritizes the schedule of channels according to a duration of a time period during which each channel is tuned by reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands" by CPU 29 (page 4, ¶ 45-47).

As for Claim 40, the claimed "the schedule of channels is reordered after each command of the series of commands" is rejected based on similar grounds as the rejection of claim 22.

As for Claim 41, the claimed "the schedule of channels is reordered after all of the channels of the schedule of channels has been tuned" is rejected based on similar grounds as the rejection of claim 23.

As for Claim 42, the claimed "the schedule of channels is further ordered according a time elapsed since the channel was last tuned" is rejected based on similar grounds as the rejection of claim 24.

As for Claim 44, the claimed "the processor further reorders the schedule of channels in sequential order" is rejected based on similar grounds as the rejection of claim 26.

As for Claim 45, the claimed “the processor reorders the schedule of channels in sequential order in response to a user command” is rejected based on similar grounds as the rejection of claim 27.

As for Claim 46, the claimed element “each of the channels in the schedule of channels is associated with a media program” is met by CPU 29, which can maintain relative statistics on how long a channel or program has been viewed (page 4, ¶ 44). The claimed element “the processor reorders the ordered schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels” is met by Candelore who discloses the favorites list or “ordered list”, maintained by CPU 29, can display either a list of top 15 (page 4, ¶ 38) or the favorites list can be based on the top 10 (page 5, ¶ 47).

As for Claim 47, the claimed element of “the processor further determines which of the time periods exceeds a threshold time period, and segments the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period” by is met by Candelore who discloses on a new set-top box, the unit of time or threshold may be 5 minutes to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42). Further Candelore discloses the list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-7, 24-25, 29, 33, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Bedard (U.S. 5,801,747).

Regarding Claim 6, Candelore fails to teach the ordered schedule of channels is further ordered according to a time elapsed since the channel was last tuned. Bedard teaches placing a most recent channel at the top of viewer profile array 200, which allows the viewer to see his most recently viewed channels at top of the array 200 as shown in figure 2 (Col. 5, lines 34-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Bedard to order the schedule according to time elapsed since the channel was last tuned. One would have been motivated to make this modification in order to facilitate the user to quickly tune to a channel, which was more recently viewed.

As for Claim 7, Candelore fails to teach weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned. Bedard teaches a method, using a personal computer (Col. 7), which utilizes a weighted least recently used

algorithm to retrieve viewer profile entries 202 (Col. 5, lines 34-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Bedard in order to weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned. One would have been motivated to make this modification in order to give a higher priority to more recently viewed channels as opposed to channels that may have not been viewed in a long period of time.

As to Claim 24, the claimed "ordered schedule of channels is further ordered according a time elapsed since the channel was last tuned" is rejected based on similar grounds as the rejection of Claim 6.

As to Claim 25, the claimed "means for reordering the ordered schedule of channels according to the duration of the time period between each of the series of commands further comprises: means for weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned" is rejected based on similar grounds as the rejection of Claim 7.

As for Claim 29, the claimed element "means for determining which of the time periods exceeds a threshold time period" is met by Candelore who discloses on a new set-top box, the unit of time or threshold may be 5 minutes to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42). The claimed element "means for segmenting the channels into

a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period" is met by Candelore who discloses the list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32).

As for Claim 33, "the ordered schedule of channels is a subset of all available channels" is rejected based on similar grounds as the rejection of claim 15.

As for Claim 43, the claimed "processor reorders the ordered schedule of channels according to the duration of the time period between each of the series of commands by weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned" is rejected based on similar grounds as the rejection to claim 7.

5. Claims 12-13 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Amano et al. (U.S. 5,585,865).

Regarding Claim 12, Candelore teaches the claimed element of "ordering the channels in the first segment according to the duration of the time period associated with each channel" by figure 5 (page 4, ¶ 44-46). Candelore is silent on ordering the channels in the second segment according to the duration of the time period associated with each channel. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel

with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to order the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 13, Candelore meets the claimed element of “presenting media programs associated with the channels in the first segment in order in response to a first command” by favorite key on remote control 5. Candelore teaches the “FAVORITE” key can be used to access a list that ranks favorites based on statistics. Candelore fails to teach presenting the media programs associated with the channels in the second segment in order in response to a second command. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to present media programs associated with the channels in the second segment in order in response to a second command. One would have been

motivated to make this modification to facilitate the user requesting a second list be presented if a user is dissatisfied with available options presented on the first channel list.

As for Claim 48, the claimed "processor further orders the channels in the first segment according to the duration of the time period associated with each channel" is met by CPU 29 of Candelore (page 4, ¶ 44-46). Candelore fails to teach ordering the channels in the second segment according to the duration of the time period associated with each channel. Amano et al. discloses microcomputer 13 controls frequency memory 19 and selects the channel with the highest frequency (Col. 6, lines 30-51). Amano et al. further discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to order the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 49, Candelore meets the claimed element of "the processor further presents media programs associated with the channels in the first segment in order in

response to a first command" by favorite key on remote control 5. Candelore teaches the "FAVORITE" key can be used to access a list that ranks favorites based on statistics. Candelore fails to teach presenting the media programs associated with the channels in the second segment in order in response to a second command. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose the process of a user selecting one of the genre buttons on remote control 11 and being presented the channel with the highest frequency first. If the user selects the same genre button again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to present media programs associated with the channels in the second segment in order in response to a second command. One would have been motivated to make this modification to facilitate the user requesting a second list be presented if a user is dissatisfied with available options presented on the first channel list.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Wugofski (U.S. 2003/0056216).

Regarding Claim 14, Candelore fails to teach de-prioritizing a selected channel in the schedule of channels in response to a user input. Wugofski teaches favorites services 8 provides favorites list management functions, and also a set of common user interfaces for selecting a favorite item from a list, adding an item to a favorite list, and

removing an item from a favorite list. (page 3, ¶ 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Wugofski in order to allow a user to de-prioritize a selected channel in the schedule of channels for the purpose of providing added flexibility to the user in managing lists of favorite channels.

7. Claims 16 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano et al. (U.S. 5,585,865) in view of Bedard (U.S. 5,801,747).

Regarding Claim 16, the claimed method of “accepting data indicative of user interest in media programs transmitted on a plurality of channels” is met by figures 7 and 8 of Amano et al. Disclosed is a genre registration, which a user can specify a genre of interest and select a sub-category to narrow the results (Col. 8, lines 41-67 and Col. 9, lines 1-11). Amano et al. teaches, “accepting a series of commands to tune a plurality of channels sequentially from schedule of channels” is met by channel up/down button 34A on remote control 11 (Col. 5, lines 21-25). Amano et al. teaches, “prioritizing a schedule of channels having at least a subset of the plurality of channels according to the user interest in the media programs...” by disclosing if a viewer selects the sports genre button on remote control 11 (shown in figure 2) the most frequently viewed sports channel will be tuned and if the user presses the sports genre button again, the second most frequently viewed channel is tuned next (Col. 6, lines 22-51). However, Amano et al. fails to disclose determining a duration of a time period during which each channel is tuned by the series of commands. In a related art pertaining to video distribution,

Bedard teaches while monitoring viewing behavior, the viewer profile will consider short durations of viewing any one channel to be insignificant. Such short viewing durations could result, for example, from a viewer surfing through numerous channels without stopping on any one channel for a significant period of viewing time. The viewer profile will thus only consider significant those viewing periods longer than one viewing unit. Therefore, only viewing durations longer than one viewing unit, or fifteen minutes, will be considered in determining the viewer's preferred categories of television programming and preferred channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano et al. with the teachings of Bedard in order to determine a duration of a time period during which each channel is tuned by a series of command for the benefit of providing a means for identifying meaningful information of interest based on viewer's past television viewing behavior (Bedard – Background).

Regarding Claim 34, Amano et al. meets the claimed "means for accepting data indicative of user interest in media programs transmitted on a plurality of channels" by television receiver shown in figure 1 which displays genre registration screen shown in figure 7. Amano et al. discloses a user can indicate a genre of interest using genre registration screen 71 (Col. 8, lines 41-67 and Col. 9, lines 1-11). Amano et al. teaches, "means for accepting a series of commands to tune a plurality of channels sequentially from schedule of channels" is met by channel up/down button 34A on remote control 11 (Col. 5, lines 21-25). The claimed "means for prioritizing a schedule of channels having at least a subset of the plurality of channels according to the user interest in the media

programs..." is met by genre buttons 33. Amano et al. discloses if a viewer selects the sports genre button on remote control 11 (shown in figure 2) the most frequently viewed channel is tuned and if the user presses the sports genre button again, the second most frequently viewed channel is tuned next (Col. 6, lines 22-51). However, Amano et al. fails to disclose means for determining a duration of a time period during which each channel is tuned by the series of commands. In a related art pertaining to video distribution, Bedard teaches while monitoring viewing behavior, the viewer profile will consider short durations of viewing any one channel to be insignificant. Such short viewing durations could result, for example, from a viewer surfing through numerous channels without stopping on any one channel for a significant period of viewing time. The viewer profile will thus only consider significant those viewing periods longer than one viewing unit. Therefore, only viewing durations longer than one viewing unit, or fifteen minutes, will be considered in determining the viewer's preferred categories of television programming and preferred channels. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano et al. with the teachings of Bedard in order to determine a duration of a time period during which each channel is tuned by a series of command for the benefit of providing a means for identifying meaningful information of interest based on viewer's past television viewing behavior (Bedard – Background).

8. Claims 17 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano et al. in view of Bedard as applied to claim 16 above, and further in view of Wugofski (WO 99/35843).

Regarding Claim 17, the combination of Amano et al. and Bedard fail to teach a list having at least one uniform resource locator. Wugofski teaches a favorite channel list which comprises both television channels and Internet channels as shown in figure 5B (page 13, lines 4-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination Amano et al. and Bedard with the teachings of Wugofski in order to combine a URL with the list of favorite channels. One would have been motivated to make this modification in order to facilitate a user viewing multiple channel and Internet favorite lists into a single list.

As for Claim 35, the claimed element of "a list having at least one uniform resource locator" is rejected on similar grounds as the rejection of claim 17 (figure 5B).

9. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Bedard as applied to claim 29 above, and further in view of Amano et al.

As for Claim 30, Candelore teaches the claimed element of "means for ordering the channels in the first segment according to the duration of the time period associated with each channel" by figure 5 (page 4, ¶ 44-46). The combination of Candelore and Bedard fail to teach ordering the channels in the second segment according to the duration of the time period associated with each channel. Amano et al. discloses

ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Candelore and Bedard with the teachings of Amano et al. in order to order the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 31, Candelore meets the claimed element of "means for presenting media programs associated with the channels in the first segment in order in response to a first command" by favorite key on remote control 5. Candelore teaches the "FAVORITE" key can be used to access a list that ranks favorites based on statistics. The combination of Candelore and Bedard fail to teach presenting the media programs associated with the channels in the second segment in order in response to a second command. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Candelore and Bedard with the teachings of Amano et al. in order to present media programs associated with the channels in the second segment in order in response to a second command. One would have been motivated to make this modification to facilitate the user requesting a second list be presented if a user is dissatisfied with available options presented on the first channel list.

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Bedard as applied to claim 24 above, and further in view of Wugofski (U.S. 2003/0056216).

As to Claim 32, the combination of Candelore and Bedard fail to teach de-prioritizing a selected channel in the schedule of channels in response to a user input. Wugofski teaches favorites services 8 provides favorites list management functions, and also a set of common user interfaces for selecting a favorite item from a list, adding an item to a favorite list, and removing an item from a favorite list. (page 3, ¶ 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Candelore and Bedard with the teachings of Wugofski in order to allow a user to de-prioritize a selected channel in the schedule of channels to facilitate a user keeping an up-to-date list by removing channels he/she may no longer be interested in viewing.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner's Initials: CR

January 6, 2006



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600